



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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## TECHNICAL STAFF REPORT ROGERS PROPERTY

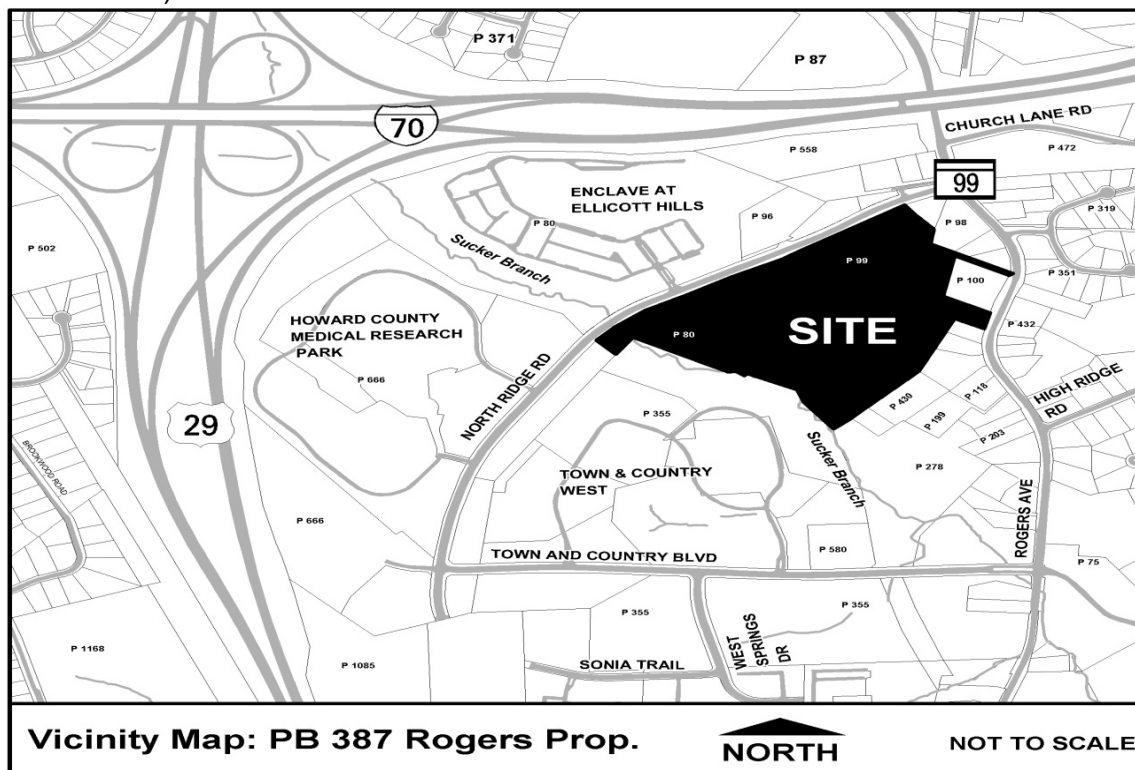
Planning Board Hearing of November 19, 2009 at 7:00 p.m.

**Case No./Petitioner:** PB Case No. 387, G & R Rogers Development

**Project Name:** Rogers Property, SP-09-06, Lots 1 thru 68, Open Space Lots 69 thru 77 and Common Open Areas 78 and 79, A Resubdivision of The Enclave at Ellicott Hills, Parcel "B" and Parcel 99

**Request:** For Planning Board approval of a Preliminary Equivalent Sketch Plan, SP-09-06 for the subdivision of 68 residential lots comprised of 25 single family detached (SFD) lots and 43 single family attached (SFA) lots, 9 open space lots and 2 common open area lots (private alleys) on a property zoned "R-ED" (Residential-Environmental Development) and "R-A-15" (Residential-Apartments) in accordance with Section 107.E of the Howard County Zoning Regulations.

**Location:** The area of the subject property is approximately 41.43 acres and is located on the southeast side of North Ridge Road approximately 300 feet west of Rogers Avenue, on Tax Map 17, Grid Nos. 18 and 24, Parcel Nos. 80 and 99, in the Second Election District of Howard County, Maryland. The property is zoned predominately "R-ED" (40.78 acres) with a small portion of the property (0.65 acres) zoned "R-A-15".



**Vicinal Properties:**

This project is surrounded by the following properties:

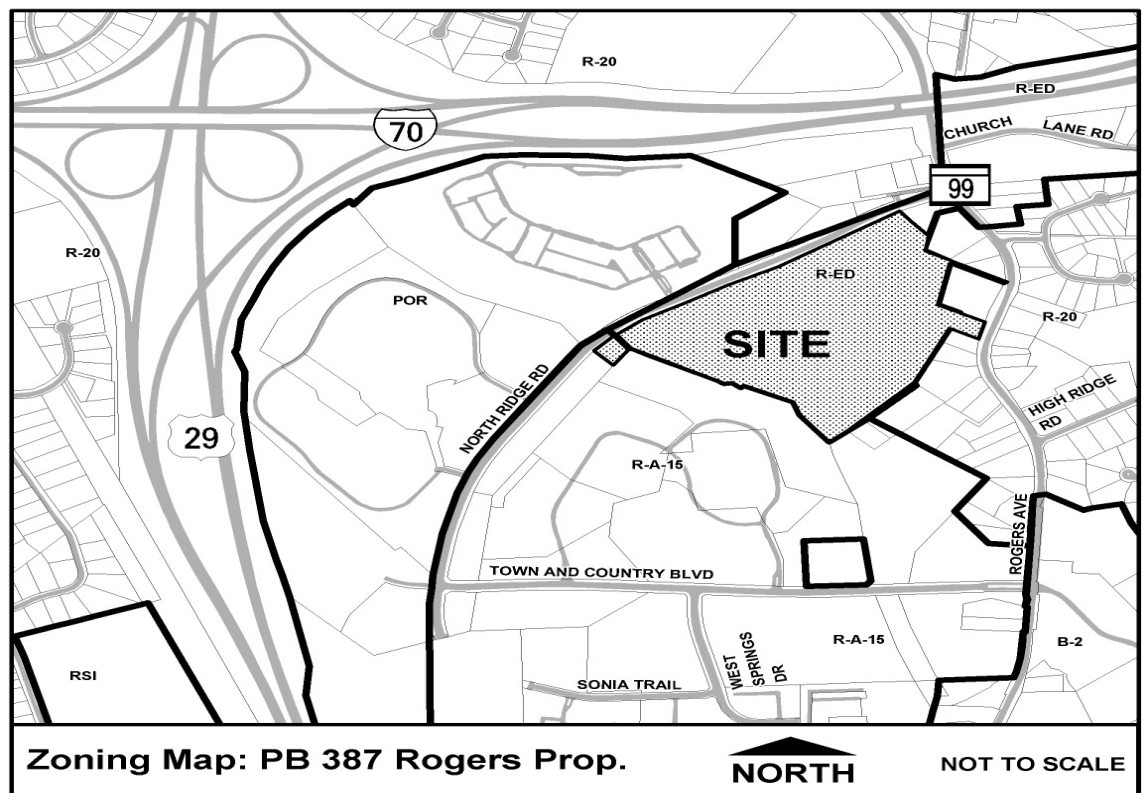
**North and West Sides** - Abutting the north and west sides of this site is North Ridge Road. Directly across the road is "The Enclave at Ellicott Hills" development, zoned "POR" (Planned Office Research) and improved with 286 age restricted adult residential condominium units on Parcel "A" (part of Parcel 80), and Parcel No. 96, zoned "R-20" and improved with a SFD dwelling unit. Also, located southwest of this site across North Ridge Road are the North Ridge Professional Building and the Heartlands Senior Living Village.

**East Side** - Located along the east side of this project are several parcels of land zoned "R-20" and developed with existing residential dwelling units and further east is Rogers Avenue.

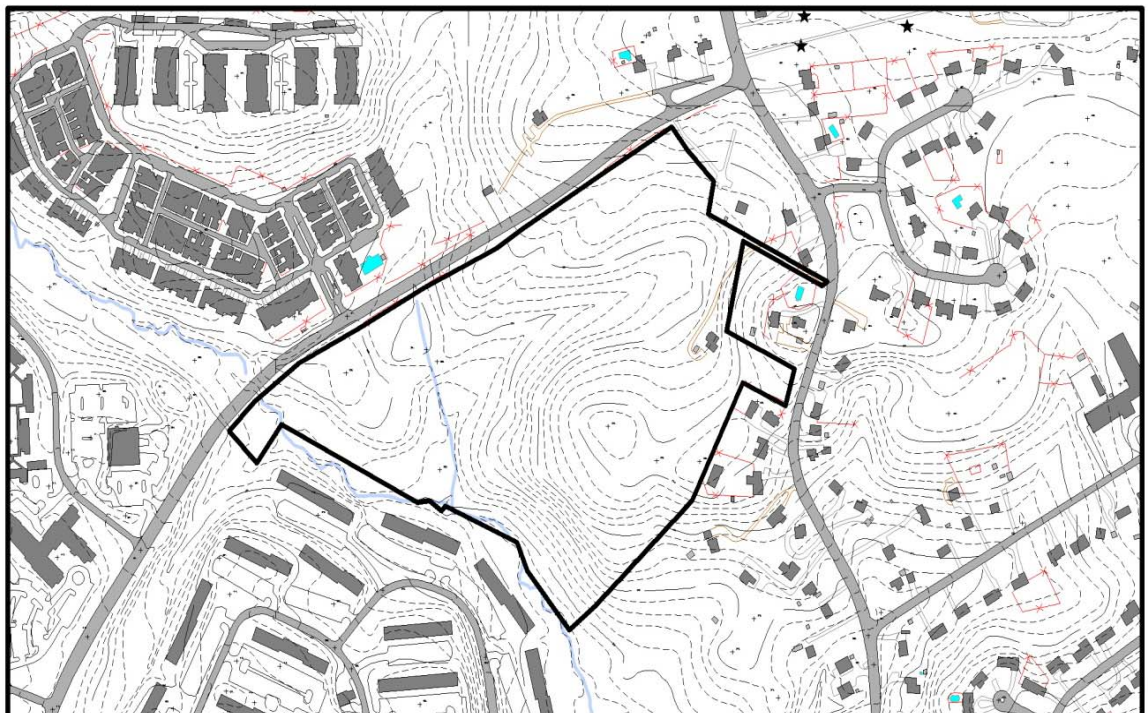
**South Side** - Located along the south side of this site is the Sucker Branch stream system. Further south across the stream is the Howard Crossing apartment development zoned "R-A-15".

**I. General Comments:**

- A. Legal Notices** - The subject property was posted with two Planning Board notices located at the site entrance onto North Ridge Road and along the west side of Rogers Avenue as verified by Department of Planning and Zoning staff. Certification that the legal advertisements appeared in the Baltimore Sun on October 11, 2009 and within the Howard County Times on October 8, 2009 as required, were placed into the file for the record.



- B. Regulatory Compliance** - This project is subject to compliance with the Howard County Subdivision and Land Development Regulations, the Howard County Zoning Regulations, the Design Manual, the Adequate Public Facilities Ordinance, the Forest Conservation Manual and the Landscape Manual.
- C. General Plan** - The subject project is consistent with the 2000 Howard County General Plan with a residential land use designation.
- D. Site History: Applicable Plans**
- **HO-615** - This subdivision plan was presented to the Historic District Commission on November 6, 2008 for the on-site historic structure known as the "Rogers House". The original log house dates back to the early 1800's with several major additions added to the house over the years.
  - **WP-09-102** - A waiver petition was approved on July 14, 2009 for the elimination of a sidewalk along one side of the entrance portion of Road "A" (north side) and along the east side of North Ridge Road for the property frontage and a waiver for providing the minimum public road frontages for certain SFA units to allow the dwellings to front onto common area open space.
  - **AA-09-11** - An Administrative Adjustment application for a zoning map amendment was granted on August 24, 2009 by DPZ in order to change 1.5 acres of "R-20" zoned land located within Parcel 99 to "R-ED" zoning to eliminate the property's split zoning to be consistent with the remaining 9.4 acres of the parcel.



Topography Map: PB 387 Rogers Property



NOT TO SCALE



**Other Related Files for the Property**

- **S-01-10/PB-350** - A sketch plan was approved by the Planning Board on May 3, 2001 to establish an elderly housing development consisting of 168 apartments and 116 SFA units on a 76 acre parcel. The development, "The Enclave at Ellicott Hills", is located on the northwest side of North Ridge Road, south of I-70 and west of Rogers Avenue. An amendment for 2 additional housing units for a total of 286 units for this project was approved on November 20, 2001.
- **F-01-196** - A final subdivision plat for "The Enclave at Ellicott Hills" was recorded on March 20, 2002.
- **SDP-02-61** - A site development plan for "The Enclave at Ellicott Hills" community center received signature approval on March 22, 2002.
- **SDP-02-65** - A site development plan for "The Enclave at Ellicott Hills" for 116 SFA units and 170 apartment units received signature approval on April 19, 2002.

**E. Site and Density Information Chart:**

Total Gross Site Area.....	* 41.43 acres
Minus 100 Year Floodplain Area.....	** 6.38 acres
Minus 25% or Greater Steep Slope Area..... (area outside of floodplain)	1.49 acres
Net Site Area.....	33.56 acres
Density Permitted .....	*** 69 total units
(2 units per net acre for 33.34 acres zoned R-ED).....	66
(15 units per net acre for 0.22 acres zoned R-A-15).....	3
Density Proposed.....	68 units/lots
Total Area of Proposed Residential Lots..... (5.10 acres for SFD and 2.49 acres for SFA)	7.59 acres
Approximate Limit of Disturbance.....	14.5 acres (35% of total site)
Open Space Required (50 % of gross site area).....	20.72 acres
Open Space Proposed (63 % of gross area) .....	26.11 acres
Total Recreational Open Space Required .....	24,700 sq. ft.
(300 sq. ft. per SFD lot x 25).....	(7,500 sq. ft.)
(400 sq. ft. per SFA lot x 43).....	(17,200 sq. ft.)
Recreational Open Space Proposed.....	42,250 sq. ft.
TND Open Space Required (5% of Required Open Space Area).....	1.04 acres
TND Open Space Provided.....	1.04 acres

\* Includes an existing portion of the North Ridge Road R/W of approximately 4.07 acres.

\*\* Includes 0.81 acres of 100 year floodplain which existed prior to construction of North Ridge Road.

\*\*\* **Special Density Note:** The gross site area of 41.43 acres is a total of Parcel 'B' (26.46 acres), Parcel 99 (10.90 acres) and North Ridge Road right-of-way (4.07 acres). The 41.43 gross acres are comprised of 40.78 acres zoned "R-ED" and 0.65 acres zoned "R-A-15".

**F. Site Analysis:**

**Access and Structures** - Public road access for this proposed subdivision will be provided solely from a single public road off of North Ridge Road. North Ridge Road is classified as a 'Major Collector' with an 80 foot wide right-of-way and a 38 foot paving width. The subject property is presently improved with one existing historic dwelling and other accessory structures including a barn and two sheds. The existing historic dwelling will remain and all existing on-site accessory structures are proposed for removal.

**Water and Sewer Service** - The site is located within the Metropolitan District and will be served by public water and sewer facilities.

**Environmental Characteristics:**

**Forest Cover** - The site is mostly wooded, except for a small lawn area surrounding the existing historic house located in the northeastern portion of the property and the area previously cleared for the existing storm water management facility for "The Enclave at Ellicott Hills" development located adjacent to North Ridge Road in the southwestern area of the site. The site is approximately 72% wooded (30 +/- acres of existing mixed forest cover). The forest stand delineation report submitted by the developer's environmental consultant indicates that the existing wooded areas are mixed hardwood stands in good condition. Two specimen trees were identified for preservation in the report, a 30" and 41" Black Oak (both located adjacent to the Sucker Branch).

**Topography** - The property contains approximately 1.5 acres of 25% or greater steep slopes located outside of the floodplain area around the existing SWM facility adjacent to North Ridge Road and at the far southern portion of the site. The topography on this site generally slopes down from North Ridge Road and Rogers Avenue towards the stream system that traverses the center of the site from north to south with a moderately sloped area located in the southeastern portion of the site where the proposed residential lots and houses will be located. The development plan does not propose any disturbance to the protected 25% or greater steep slopes with a contiguous area over 20,000 square feet. However, grading and construction disturbances will occur on moderately sloping land located through the central portion of the site which is permitted by the regulations.

**Wetlands, Streams and 100 Year Floodplain** - The site presently contains approximately 5.57 acres of 100 year floodplain, excluding the previous floodplain area which existed prior to the construction of North Ridge Road. An intermittent stream begins at the northern end of the site and flows southward through the center of the property where it joins another intermittent stream emanating from the west under North Ridge Road combining to form a perennial stream that flows south towards the Sucker Branch perennial stream system. The on-site wetlands are confined mostly within the floodplain limits and along the edges of the stream systems. The intermittent streams are protected with 50 foot buffers, the perennial stream with a 75' buffer and the wetlands with a 25 foot buffer. The environmental impacts to the wetlands and stream buffers are limited to the construction for the proposed internal public road, storm drain pipe extensions and the SWM facility outfall discharges. The proposed disturbances located within the environmental features and buffers have been determined essential disturbances by the Subdivision Review Committee in accordance with Section 16.116(c) of the Subdivision and Land Development Regulations.

**G. Proposed Development Plan:**

**Subdivision Plan** - This property consists of two separate parcels, the first being Parcel 99 which is a 10.9 acre deeded parcel containing an existing historic dwelling and the second parcel is a recorded 26.4 acre property identified as Parcel "B" of "The Enclave at Ellicott Hills" subdivision. Parcel "B" was established and reserved under that subdivision for future development purposes. The proposed development plan consists of 68 residential lots with 25 single family detached dwellings and 43 single family attached dwellings. One of the SFD lots will contain the existing historic dwelling to be located on Lot 5. The typical SFD lot sizes range from 6,000 to 10,000 square feet in area (the minimum lot size for the "R-ED" zoning is 6,000 sq. ft.). A sidewalk will be provided along both sides of the internal public loop road adjacent to all residential lots, except along one side of the road where it enters the subdivision from North Ridge Road. Storm water management quantity and quality will be provided on-site for this subdivision with one SWM pond located within Open Space Lot 77. This project is being developed as a "TND" (Traditional Neighborhood Design) development and many of the design aspects that are being proposed at this site have been successfully used at Maple Lawn Farms. The main design concept is to provide a range of house types on an attractive urban streetscape by fronting the proposed dwellings directly along the public street or common open space areas with sidewalks, street trees, street lights, rear alley access for the SFA lots, enhanced landscaping and small open space areas such as squares or pocket parks to promote a pedestrian friendly environment within the community.

**Forest Conservation** - The developer submitted the required Forest Conservation Plan identifying existing forest to be protected and areas of proposed reforestation planting. This project in combination with the existing development for "The Enclave at Ellicott Hills" complies with the forest conservation requirements with a forest conservation obligation of 3.96 acres of reforestation and 18.5 acres of on-site retention (9.65 acres of new retention provided under this plan) for a total obligation of 22.46 acres. Of the 3.96 acres of reforestation planting, 2.12 acres will be provided on-site with the remaining 1.84 acres to be provided off-site at Maple Lawn Farms. The total existing forested and proposed reforested areas for only this proposed project site (excludes "The Enclave at Ellicott Hills" development located on the west side of North Ridge Road) including the floodplain area will be approximately 15.4 acres or 41% of the site (excludes the North Ridge Road R/W area).

**Landscaping** - This project will comply with the perimeter and street tree landscaping requirements of the Landscape Manual. Perimeter landscaping requirements will be addressed primarily through the retention of existing forest stands at least 20 feet wide along the entire southern boundary and parts of the western, northern and eastern boundaries with new supplemental landscape trees provided along the remaining parts of the eastern, northern and western boundaries. The standard Landscape Manual requirement for a Type "A" buffer (1 shade tree per 60 feet) for SFD residential land use adjacent to SFD residential land use is to be provided along the northern and eastern perimeters with a Type "B" buffer (1 shade tree per 50 feet and 1 evergreen tree per 40 feet) to be provided along the western perimeter adjacent to North Ridge Road where trees do not currently exist.

**Adequate Public Facilities:**

**Roads Test** - This subdivision passed the test of the Adequate Public Facilities Ordinance (APFO) for vicinal major road intersection adequacy within 1.5 miles from the site access. The required key intersections analyzed for this project were the intersections for North Ridge Road at Town and Country Boulevard and at Rogers Avenue. The traffic impact analysis prepared by The Traffic Group (developer's consultant) dated May 20, 2008 determined that the studied intersections currently operate and will continue to operate at an acceptable Level of Service "A" during the weekday morning and evening peak hours for the projected traffic volume test year of 2011. The DPZ, Development Engineering Division approved the APFO roads test for this project on August 26, 2009.

**Schools Test** - This project is located in the Ellicott City Planning Area, the North School Region, the Hollifield Station Elementary School District and the Patapsco Middle School District. Upon the issuance of the Decision and Order for this Planning Board case, the test for availability of housing unit allocations and school capacity will be taken. At the present time, housing unit allocations are available in the Ellicott City Planning Area and the elementary and middle schools are open.

**II. Planning Board Criteria:**

In accordance with Section 107.E.6 of the Howard County Zoning Regulations, the following 3 criteria must be considered by the Planning Board when evaluating this "R-ED" zoned Preliminary Equivalent Sketch Plan.

**1. The proposed lay-out of lots and open space effectively protects environmental and historic resources.**

The proposed development plan will establish 9 open space lots approximately 26 acres in size which will encompass virtually all of the property's 100 year floodplain area, wetlands and streams, environmental buffers, 25% or greater steep slopes, and approximately 13 acres of the existing forested areas. Open Space Lots 76 (1.97 acres) and 77 (22.5 acres) will be dedicated to the Department of Recreation and Parks as open space area for preservation and protection of the environmental resources. Open Space Lots 69 thru 75 are approximately 1.6 acres in total area and will contain recreational and community open space areas which will be dedicated to a Homeowner's Association.

The existing historic house located on the property will be preserved under the proposed project. This subdivision plan was presented to the Historic District Commission (HDC) on November 6, 2008 for the on-site historic structure known as the "Rogers House" identified on the Howard County Historic Inventory as "HO-615". The HDC had no recommendations to improve the historic aspects of the proposed development. This subdivision plan proposes to preserve the existing house on Lot 5 designed to ensure protection of the historic structure and its setting on a single enlarged sized lot in compliance with Section 16.118 of the Subdivision and Land Development Regulations.

This development plan accomplishes protection of the historic and environmental resources on the site by employing the following design techniques:

- By placing and clustering the residential lots on the moderately sloped area of the site away from the environmental feature and buffer areas.

- By keeping the proposed lot sizes close to the minimum lot size requirement of 6,000 square feet.
- By maximizing the amount of environmental open space with the establishment of more than 63% open space areas on-site which exceeds the minimum 50% open space requirement.
- By keeping the proposed public loop road length to a minimum (approximately 2,650 feet) to reduce the amount of imperious paving, grading and tree clearing on-site. Also, the entrance road is designed to skirt the wetlands and stream with only minimal impact.
- The County approved a waiver to eliminate a second sidewalk along the entrance road under WP-09-102 to further reduce the road's width through the environmentally sensitive features and buffers.
- By maintaining a reasonable setting for the historic house on an oversized lot with proposed roads oriented to relate well to the historic setting.
- By using the principles for a Traditional Neighborhood Design development, the buildable area of the project is more compact and open space areas are larger in size.

The proposed subdivision plan was designed to effectively protect, preserve and minimize the limits of disturbance of the historic and environmental resources located on the subject property to the extent possible.

**2. Buildings, parking areas, roads, storm water management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading as follows:**

- The proposed residential lots, the public road, private alleys and the storm water management facility are located on the moderately sloped area of the property.
- The proposed development plan minimizes site disturbance and clearing by clustering the home sites on relatively small sized lots and through the use of retaining walls along the rear yards of the SFD lots. The environmentally sensitive steep slopes, floodplain and stream areas will remain undisturbed for construction of the houses and for most of the road system. Other site improvements such as the SWM facility and public utilities have been designed and located to function effectively where grading and clearing will be minimized.
- The total limit of disturbed area for the proposed development including the new public loop road, private alleys, public utilities, house pad sites for building lots and the storm water management facility will involve approximately 14.5 acres or 35% of the site. Grading for the proposed development will not involve disturbances of the protected 25% or greater steep slopes with a contiguous area over 20,000 square feet, 100 year floodplain, wetlands, streams or required buffers, except for the construction of the proposed internal public road, storm drain pipe extensions and the SWM facility outfall discharges. The proposed disturbances located within the environmental features and buffers are temporary and have been determined essential disturbances by the Subdivision Review Committee in accordance with Section 16.116(c) of the Subdivision and Land Development Regulations as previously mentioned in this report.

The proposed subdivision plan design has been determined adequate in taking advantage of the uniqueness of the site's topography by minimizing the limits of clearing and grading



necessary to construct the houses, the public road, private alleys, SWM facilities and public utilities necessary to support the residential use.

**3. Setbacks, landscaped buffers or other methods are proposed to buffer the development from existing neighborhoods or roads, especially from designated scenic roads or historic districts, as follows:**

- A 30 foot setback is required and will be provided for all proposed residential dwellings from the project boundaries in accordance with the "TND" bulk regulation requirements per Section 128.G of the Zoning Regulations.
- This development plan maintains an extensive 400 foot wide forested open space buffer along most of the western boundary adjacent to North Ridge Road and a 250 foot wide buffer for the entire southern boundary. Also, existing vegetation will be preserved along portions of the northern and eastern boundaries where possible to minimize the visibility of the new homes from the existing roads and neighboring properties.
- Perimeter landscaping requirements will be addressed primarily through the retention of existing forest stands at least 20 feet wide along the entire southern boundary and parts of the western, northern and eastern boundaries with new supplemental landscape trees provided along the remaining parts of the project boundaries where trees do not currently exist.
- The subdivision plan proposes open space areas that exceed the acreage required by the Regulations. A majority of the environmentally sensitive areas of this property located along the Sucker Branch and adjoining the on-site stream systems will be permanently protected as recorded forest conservation and 100 year floodplain easements and dedicated as open space to Howard County.
- This project does not adjoin any County designated scenic roads or historic districts.
- This project will provide SFD dwellings along the entire eastern boundary to achieve compatibility with the existing community before transitioning into the SFA units which are centrally located within the project site.

Compliance with the required setbacks and preservation of existing vegetation along the subdivision perimeter with supplemental landscaping along parts of the northern and eastern project boundaries will adequately buffer the proposed development from the surrounding neighboring properties and roads.

**SRC Action:**

The Subdivision Review Committee (SRC), by letter dated August 26, 2009 determined this subdivision plan, SP-09-06 to be approvable, subject to compliance with their comments as follows:

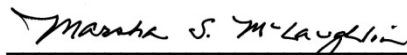
1. The DPZ, Division of Land Development's remaining comments consist of only minor drafting revisions to notes on the plan.
2. The DPZ, Development Engineering Division's remaining comments consist of advisories concerning the proposed storm water management facility and the upcoming MDE SWM requirements, and the public water and sewer plan approval all to be examined on the final construction plans.
3. All plan comments were addressed or only minor comments remain with the

following agencies: Department of Recreation and Parks, Soil Conservation District, Department of Fire and Rescue Services, State Highway Administration, Health Department, Department of Inspections, Licenses and Permits, and the Public School System.

**Recommendation:**

In conclusion, the proposed "TND" designed subdivision plan effectively protects, preserves and minimizes the limits of disturbance of the historic and environmental resources located on the subject property to the extent possible. This subdivision plan proposal meets or exceeds the objectives of the Planning Board Criteria in accordance with the "R-ED" Zoning Regulations and the Subdivision and Land Development Regulations.

Therefore, based upon all of the above findings, the Department of Planning and Zoning recommends approval of this Preliminary Equivalent Sketch Plan, SP-09-06, subject to compliance with the SRC agency comments.



10/19/09

Marsha S. McLaughlin, Director  
Department of Planning and Zoning

**Please note that this file is available for public review at the Department of Planning and Zoning's public service counter, Monday through Friday, 8:00 a.m. to 5:00 p.m.**

Staff Report prepared by: Kent Sheubrooks  
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